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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,248	12/09/1999	GEORGE NICHOLS	02103-365001	8624
26162	7590	04/05/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			NI, SUHAN	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/458,248

Examiner

Suhan Ni

Applicant(s)

NICHOLS ET AL.

Art Unit

2615

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 17 January 2006 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

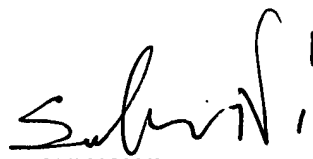
b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☐ Other: _____


SUHAN NI
PRIMARY EXAMINER

In response to the Reply Brief filed 01/17/2006:

Regarding to I: the examiner agrees with the applicant, it should be corrected as the following:

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the issues in the brief is correct.

All the grounds of rejection set forth in this statement of the issues in the appeal brief are subject to review.

Regarding to II-V, the examiner remains the position in the Examiner's Answer.